

ORDINANCE NO. 793

AN ORDINANCE OF THE TOWN OF MILLIKEN AMENDING SECTION 16-2-150(b)(2) OF CHAPTER 16 OF THE MILLIKEN MUNICIPAL CODE ADDING DRIVE-THROUGH RESTAURANTS AS A CONDITIONAL USE.

WHEREAS, the Town of Milliken is a municipal corporation authorized under Article 23, Title 31 of the Colorado Revised Statutes to regulate the development of land within the Town for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, the Board of Trustees of the Town has the power to adopt and amend zoning regulations pursuant to Section 31-23-301, *et seq.*, C.R.S., and the general ordinance powers conferred by Section 31-15-103, C.R.S.; and

WHEREAS, the Town has adopted zoning regulations codified in Chapter 16 of the Milliken Municipal Code ("Code") that, in relevant part, establishes uses by right and conditional uses in each zoning district; and

WHEREAS, the Town has determined that the conditional use and site plan processes may be used to determine locations within the Mixed Use Commercial Downtown zone district where drive-through restaurants may be located; and

WHEREAS, the Town has determined that the text amendment meets the criteria of section 16-6-310(b)(2) of the Code for Text Amendments to the Land Use Code; and

WHEREAS, the Planning Commission has considered the amendment at a duly noticed public meeting and has recommended approval of same to the Board of Trustees; and

WHEREAS, the Board of Trustees considered the proposed text amendment zoning change as set forth in this Ordinance at a duly noticed public hearing; and

WHEREAS, the Board of Trustees find the proposed ordinance furthers the public health, safety and welfare of the community;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, THAT:

Section 1: Subsection (b) (2) of Section 16-2-150 in Chapter 16 of the Milliken Municipal Code is hereby amended to read in its entirety as follows:

(2) Conditional Uses.

- a. Animal boarding including day care.
- b. Auto, recreational vehicle, boat, and truck sales.
- c. Gas, oil, and other hydrocarbon well drilling and production (subject to state and local regulations).

- d. Group home as defined by Section 31-23-303, C.R.S.
- e. Medical Clinics and long-term care facilities.
- f. Restaurants, drive-through.
- g. Utility facilities – major.
- h. Utility facilities – minor.
- i. Vocational/technical schools and colleges.
- j. Uses not listed as either uses by right or conditional uses that are similar to and compatible with the intent of the Mixed Use Commercial Downtown District.


Section 2: Except as amended in this Ordinance, all other provisions of Section 16-2-150 shall remain in full force and effect

Section 3: Effective Date.


This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption.

Introduced, read, adopted, signed and ordered published in full by the Board of Trustees of the Town of Milliken this 25 day of August, 2021.


TOWN OF MILLIKEN


Elizabeth Austin, Mayor

ATTEST:


Caree Rinebarger, Town Clerk

APPROVED AS TO FORM:


Matthew T. Gould, Town Attorney

Published: _____